



December 6, 2021

Via Electronic Submission on the Federal eRulemaking Portal:
<http://www.regulations.gov>

Regulatory Policy Division
Bureau of Industry and Security
U.S. Department of Commerce
Room 2099B
14th Street and Pennsylvania Avenue NW
Washington, DC 20230

**RE: Maxar Technologies Comments on Interim Final Rule on Information
Security Controls: Cybersecurity Items
RIN 0694-AH56
BIS-2020-0038**

Dear Sir or Madam:

Maxar Technologies (“Maxar” or the “Company”) submits these comments on behalf of itself and its subsidiaries regarding the Interim Final Rule on Information Security Controls: Cybersecurity Items (the “Interim Final Rule”), issued by the Department of Commerce’s Bureau of Industry and Security (“BIS”) on October 21, 2021 (86 Fed. Reg. 58205). BIS has established new controls on cybersecurity hardware, software, and technology and a new License Exception Authorized Cybersecurity Exports (“ACE”). BIS seeks comments from the interested public on the impact of revised controls on U.S. industry and the cybersecurity industry.

License Exception ACE allows eligible cybersecurity items and digital artifacts to be exported, reexported, and transferred (in country) without a license to certain favorable treatment end users and government end users in most destinations. While License Exception ACE is unavailable for exports to government and non-government end users in certain countries, it carves out exclusions to this restriction for certain exports involving cybersecurity incident response and vulnerability disclosure.

Maxar is a space technology company with capabilities across a wide variety of products and services, including remote sensing geospatial data and analysis, satellite designing and manufacturing, and satellite robotics. Maxar has a strong and relevant interest in the new controls and license exception as it is highly aware of the importance of cybersecurity to U.S. national security and technological advancement.

Maxar submits these comments to commend BIS for creating a straightforward, concise license exception that will be easy for exporters to understand and comply with. Maxar also commends BIS on tailoring both the new controls and the license exception to ensure that legitimate cybersecurity activities are not hindered. Maxar believes that alleviating licensing burdens will have an immediate, positive impact on U.S. industry as U.S. exporters are able to



export commercially-available items without a license. U.S. companies and international partners use the cybersecurity items controlled under the Interim Final Rule—hardware, software, and technology—in their continuous efforts to deter cyber criminals, and the ability to share these items across borders will strengthen U.S. national security and ensure business continuity.

The Interim Final Rule thus serves several objectives consistent with the goals of the United States’ export control regime, including strengthening the U.S. defense industrial base, carrying out U.S. foreign policy, carrying out commitments under international agreements, and ensuring that national security controls focus on items that pose a security threat to the United States. *See, e.g.*, 50 U.S.C. § 4811 (statement of policy under the Export Control Reform Act of 2018). The availability of License Exception ACE for exports to most countries, and the carve-outs for technology exchanged for vulnerability disclosure or cyber incident response for end users in countries in which the license exception is generally unavailable, in particular serve these objectives.

Thank you for the opportunity to express Maxar’s comments with respect to the Interim Final Rule. This matter is of significant importance to Maxar.

Respectfully submitted,

Maxar Technologies, Inc.